

EXHIBIT 13

EXHIBIT 13

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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WAYMO LLC,

Plaintiff,

Case

vs.

No. 3:17-cv-00939-WHA

UBER TECHNOLOGIES, INC.;

OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

/

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VIDEOTAPED DEPOSITION OF KRISTINN GUDJONSSON

VOLUME II (Pages 243 to 467)

FRIDAY, SEPTEMBER 8, 2017

Reported by:

Anrae Wimberley

CSR No. 7778

Job No. 2703751

Pages 243 - 467

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| | | |
|----|---|----------|
| 1 | this investigation -- | 11:27:57 |
| 2 | MR. BAKER: Objection to form. | 11:27:59 |
| 3 | BY MR. TAKASHIMA: | 11:27:59 |
| 4 | Q. -- as of May 3rd, 2016? | 11:28:02 |
| 5 | MR. BAKER: Objection to form. | 11:28:02 |
| 6 | THE WITNESS: Sorry. Could you repeat that | 11:28:03 |
| 7 | question. | 11:28:04 |
| 8 | BY MR. TAKASHIMA: | 11:28:04 |
| 9 | Q. Sure. | 11:28:04 |
| 10 | In your view, was there any further work that | 11:28:11 |
| 11 | IR needed to do for this investigation as of May 3rd, | 11:28:15 |
| 12 | 2016? | 11:28:16 |
| 13 | A. I was pretty confident that there were, yes. | 11:28:20 |
| 14 | Q. And what work was that? | 11:28:24 |
| 15 | A. Could you be more specific. | 11:28:27 |
| 16 | Q. What other things did you think that IR | 11:28:31 |
| 17 | should be doing at this point? | 11:28:34 |
| 18 | A. What other things? I did not know. I just | 11:28:37 |
| 19 | knew that there were more. | 11:28:39 |
| 20 | Q. So you were pretty confident that there were | 11:28:41 |
| 21 | other things you should be doing, but you didn't know | 11:28:43 |
| 22 | what those were? | 11:28:45 |
| 23 | MR. BAKER: Objection to form. | 11:28:48 |
| 24 | THE WITNESS: At that point, I knew that there | 11:28:49 |
| 25 | were other things that we needed to take a look at, | 11:28:52 |

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1 but I knew that other parts of the investigation was 11:28:54
2 ongoing and we had to stand by. 11:28:56
3 BY MR. TAKASHIMA:
4 Q. So it was a matter of waiting for interface 11:28:59
5 with other parts of the investigation? 11:29:01
6 A. Yes. 11:29:04
7 Q. And what other parts of the investigation are 11:29:05
8 you referring to? 11:29:06
9 A. That's on the legal side. You would have to 11:29:10
10 ask them. 11:29:11
11 Q. Okay. Do you have any idea what other parts 11:29:14
12 of the investigation you're referring to? 11:29:16
13 A. No. 11:29:17
14 Q. Just some other investigation? 11:29:20
15 A. I just know that there was an investigation 11:29:22
16 ongoing. 11:29:23
17 Q. Why did you have to wait for them? 11:29:26
18 MR. BAKER: Objection to form. 11:29:29
19 THE WITNESS: Because we were waiting for more 11:29:31
20 input. 11:29:35
21 BY MR. TAKASHIMA: 11:29:35
22 Q. What input were you waiting for? 11:29:38
23 A. More requests. 11:29:40
24 Q. Who would those requests have come from? Do 11:29:51
25 you see what I'm trying to get at? 11:29:54

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1 MR. BAKER: Objection to form. 11:29:55

2 THE WITNESS: Are you looking for specific names 11:29:57

3 or roles or -- 11:29:58

4 BY MR. TAKASHIMA: 11:29:58

5 Q. Roles. 11:29:59

6 A. That would come from -- most likely 11:30:07

7 from -- it would most likely come from legal. 11:30:12

8 Q. So at this point, you were waiting for the 11:30:14

9 lawyers to tell you what else you needed to do for the 11:30:17

10 investigation -- 11:30:18

11 MR. BAKER: Objection to form. 11:30:19

12 BY MR. TAKASHIMA: 11:30:19

13 Q. -- is that correct?

14 A. At this point, I was waiting for further 11:30:21

15 instructions. 11:30:23

16 Q. Further instructions from legal specifically? 11:30:25

17 MR. BAKER: Objection to form. 11:30:25

18 THE WITNESS: It can come from multiple sides. 11:30:29

19 BY MR. TAKASHIMA: 11:30:29

20 Q. Okay. Is there anybody else you were waiting 11:30:31

21 on instructions from other than legal? 11:30:33

22 A. It could be from GI. 11:30:35

23 Q. But Ms. Bijmens says, "Nothing further from 11:30:38

24 the GI side at this point"; correct? 11:30:40

25 A. "At this point," yes, which does not mean at 11:30:43

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| | | |
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| 1 | no further time in the future. | 11:30:46 |
| 2 | Q. Okay. Could the instructions have come from | 11:30:48 |
| 3 | anybody else? | 11:30:50 |
| 4 | A. Chelsea. | 11:30:51 |
| 5 | Q. Anybody else? | 11:30:52 |
| 6 | A. Andrew Price. | 11:30:53 |
| 7 | Q. Okay. Mr. Price is an attorney; correct? | 11:30:56 |
| 8 | A. Yes. | 11:30:56 |
| 9 | Q. Anybody else? | 11:30:59 |
| 10 | A. Probably not. | 11:31:00 |
| 11 | Q. Just -- there are a few names at the top of | 11:31:06 |
| 12 | this e-mail chain. | |
| 13 | We've already discussed Ms. Bijnens. She's | 11:31:08 |
| 14 | in GI; correct? | 11:31:10 |
| 15 | A. She's in global investigations, yes. | 11:31:12 |
| 16 | Q. And Ms. Bailey is -- was the HR VP? | 11:31:17 |
| 17 | A. Yes. | 11:31:17 |
| 18 | Q. Mr. Price is ethics counsel; correct? | 11:31:19 |
| 19 | A. Yes. | 11:31:19 |
| 20 | Q. And who is Jade Wagner? | 11:31:22 |
| 21 | A. I'm actually not sure. | 11:31:24 |
| 22 | Q. She's an attorney; correct? | 11:31:25 |
| 23 | A. Probably. | 11:31:27 |
| 24 | Q. To the best of -- do you have any reason to | 11:31:29 |
| 25 | think she's not an attorney? | 11:31:31 |

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1 A. No. 13:27:54
2 Q. Or how many times he e-mailed you? 13:27:57
3 A. No. 13:27:57
4 Q. Do you recall ever speaking with Mr. Gorman, 13:28:02
5 either in person or by phone or by videoconference? 13:28:06
6 A. Videoconference, I think, yes. 13:28:08
7 Q. How many times did you speak with Mr. Gorman 13:28:10
8 by videoconference? 13:28:11
9 A. I have absolutely no idea. 13:28:14
10 Q. Was it more than once? 13:28:16
11 A. Could have been. 13:28:17
12 Q. Was it more than five times? 13:28:19
13 A. I don't know. 13:28:19
14 Q. Was it more than twice? 13:28:21
15 A. Could have been. 13:28:22
16 Q. Was it more than three times? 13:28:24
17 A. Not sure. 13:28:25
18 Q. Somewhere between one and five times; is that 13:28:27
19 fair? 13:28:30
20 MR. BAKER: Objection to form. 13:28:30
21 THE WITNESS: I honestly couldn't tell. Probably, 13:28:33
22 but I couldn't tell.
23 BY MR. TAKASHIMA:
24 Q. At least once. 13:28:34
25 A. At least once. 13:28:35

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| | | | |
|----|----|--|----------|
| 1 | Q. | Okay. When did you speak with Mr. Gorman? | 13:28:38 |
| 2 | A. | I don't remember. Probably around this time | 13:28:40 |
| 3 | | frame. | 13:28:40 |
| 4 | Q. | And who else was in that discussion? | 13:28:43 |
| 5 | A. | Gary Brown would have been. | 13:28:45 |
| 6 | Q. | Anybody else? | 13:28:46 |
| 7 | A. | Not sure. | 13:28:48 |
| 8 | Q. | Is it fair to say you don't recall anybody | 13:28:53 |
| 9 | | else being part of that discussion? | 13:28:55 |
| 10 | A. | There might have been, but I don't recall, | 13:28:58 |
| 11 | | no. | 13:28:58 |
| 12 | Q. | And what was the purpose of that discussion? | 13:29:02 |
| 13 | A. | Discussion of the investigation. | 13:29:05 |
| 14 | Q. | In as much detail as you can recall, what did | 13:29:07 |
| 15 | | you discuss? | 13:29:09 |
| 16 | A. | Status of the investigation. | 13:29:11 |
| 17 | Q. | And at the time you spoke, what was the | 13:29:13 |
| 18 | | status of the investigation? | 13:29:15 |
| 19 | A. | Depends on when we spoke. | 13:29:17 |
| 20 | Q. | Do you recall when you spoke? | 13:29:18 |
| 21 | A. | No. | 13:29:18 |
| 22 | Q. | So you don't recall what status of the | 13:29:22 |
| 23 | | investigation you recounted to Mr. Gorman; is that | 13:29:26 |
| 24 | | fair? | |
| 25 | A. | No. | 13:29:27 |

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1 Q. On that same spectrum of here's a substantive 13:41:54
2 response versus, "Okay, I understand what you said to 13:41:56
3 me," where was his response, to the best of your 13:42:00
4 recollection? 13:42:00
5 MR. BAKER: Objection to form. 13:42:01
6 THE WITNESS: I have to assume closer to the, 13:42:03
7 "Okay. Thank you." 13:42:04
8 BY MR. TAKASHIMA: 13:42:04
9 Q. Now, the fourth name here is Rachael Meny; 13:42:09
10 correct? 13:42:09
11 A. Yes. 13:42:09
12 Q. Do you recognize that name? 13:42:11
13 A. You asked me that a couple minutes ago. 13:42:14
14 Q. I did. 13:42:14
15 A. And I -- no, I don't remember. 13:42:19
16 Q. Do you recall ever communicating with Rachael 13:42:23
17 Meny? 13:42:23
18 A. I could have, but I don't remember. 13:42:26
19 Q. Is it fair to say that, as you sit here, you 13:42:27
20 don't recall what her involvement was in the 13:42:30
21 departures investigation? 13:42:31
22 A. Not that I remember, no. 13:42:32
23 Q. Okay. If you look at the third page. It 13:42:52
24 should be marked 86954. 13:42:57
25 A. 54. Okay. 13:42:59

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1 the page that follows. 16:27:41

2 A. Okay. 16:27:42

3 Q. Here Mr. Gorman says, in the last paragraph, 16:27:49

4 "FYI: We're not . . . seeing any obvious signs of 16:27:52

5 trade secret theft in Google Drive activity. That's 16:27:56

6 not surprising, as these engineers would have [known] 16:27:59

7 that their Google Drive activity is logged." 16:28:02

8 Do you see that? 16:28:03

9 A. I can see that, yes. 16:28:04

10 Q. Did you ever talk to Mr. Gorman about whether 16:28:07

11 there were any signs of trade secret theft associated 16:28:12

12 with the investigations that were going on other than 16:28:14

13 through e-mails like this? 16:28:16

14 MR. BAKER: Objection to form. 16:28:18

15 THE WITNESS: No. 16:28:21

16 BY MR. CHATTERJEE: 16:28:21

17 Q. Do you have any understanding as to why 16:28:23

18 Mr. Gorman would be telling you that he's not seeing 16:28:26

19 any obvious signs of trade secret theft? 16:28:30

20 MR. BAKER: Same objection. 16:28:31

21 THE WITNESS: You would have to ask him. 16:28:34

22 BY MR. CHATTERJEE: 16:28:34

23 Q. And there's a reference in here to 16:28:46

24 "externally shared files." 16:28:48

25 Do you see that? 16:28:49

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1 FEDERAL CERTIFICATE OF DEPOSITION OFFICER
2 I, ANRAE WIMBERLEY, CSR NO. 7778, do hereby
3 declare:

4 That, prior to being examined, the witness named
5 in the foregoing deposition was by me duly sworn
6 pursuant to Section 30(f)(1) of the Federal Rules of
7 Civil Procedure and the deposition is a true record of
8 the testimony given by the witness;

9 That said deposition was taken down by me in
10 shorthand at the time and place therein named and
11 thereafter reduced to text under my direction;

12 ----- That the witness was requested to
13 review the transcript and make any changes to the
14 transcript as a result of that review pursuant to
15 Section 30(e) of the Federal Rules of Civil Procedure;

16 ----- No changes have been provided by the
17 witness during the period allowed;

18 ----- The changes made by the witness are
19 appended to the transcript;

20 --X--- No request was made that the transcript
21 be reviewed pursuant to Section 30(e) of the Federal
22 Rules of Civil Procedure.

23 I further declare that I have no interest in the
24 event of the action.

25 I declare under penalty of perjury under the laws
of the United States of America that the foregoing is
true and correct.

WITNESS my hand this 9th day of September, 2017.



ANRAE WIMBERLEY
CSR NO. 7778